

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.900 OF 2005

Mr.Devdas Bhumayya Battu & Anr. ...Applicants

Versus

State of Maharashtra ...Respondent

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Mr.S.A.Sawant for Applicants.

Mr.D.R.More, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 16, 2005.

P.C.

1. Heard Counsel for the parties.

2. It is seen that serious dispute is going on between the cable operators. According to the Applicants, false case has been lodged, so as to embroil the Applicants in criminal action. The Applicants have been named in the F.I.R. as suspects.

3. Learned A.P.P. fairly accepts, on

instructions, that as of now, there is no material whatsoever to connect the Applicants with the commission of the crime. If it is so, the investigating agency cannot straightaway proceed to arrest the Applicants. It is well settled that only when the investigating agency collects sufficient material during preliminary enquiry to connect any person with the commission of the offence, it would be justified in arresting such person, and not otherwise.

4. This Application is disposed of with direction to the Investigating Officer to give 72 hours advance notice if the Investigating Officer decides to arrest the Applicants in connection with the alleged offence being C.R.No.389 of 2004 registered with Pant Nagar Police Station, Ghatkopar (East), Mumbai.

5. The Applicants shall, however, extend necessary co-operation for the purpose of investigation as and when called upon.

6. Application disposed of on the above

terms.

A.M.KHANWILKAR, J.